

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**TODD EDMONDS,
Plaintiff,**

v.

Case No. 06C0844

**ALLIED BARTON SECURITY, ALMEDA
COUNTY CALIFORNIA, STATE OF CALIFORNIA,
Defendants.**

ORDER

Plaintiff filed this case on August 7, 2006. I granted plaintiff's request to proceed in forma pauperis on November 3, 2007. Pursuant to Fed. R. Civ. P. 4(m) plaintiff had 120 days from filing within which to effect service of the complaint upon the defendants the State of California and Alameda County California. That time period expired on March 5, 2007, yet no proof of service has been submitted to the court to date. As no service appears to have been effected within the 120-day period, Rule 4(m) and Civil L.R. 41.1 allow me to dismiss the case without prejudice upon my own initiative after twenty days notice to the plaintiff. This order gives plaintiff that notice and will allow him/her a brief extension to secure service and file appropriate proof thereof.

Because plaintiff proceeds pro se, I hereby put him on notice that certain rules govern how to effect proper service of the complaint and summons. If personal service is necessary, plaintiff should file as proof a notarized affidavit from the person effecting service or other proof as allowed by Rule 4 or section 801.11. An affidavit regarding service should include the date, time, and location of personal service, a listing of the documents served

(which must include the complaint and summons), and the name of the person who personally took possession of them.

Additionally, a review of this file discloses that defendant Allied Barton Security filed a motion to dismiss on January 5, 2007. Under the applicable procedural rules, plaintiff's response to that motion should have been filed on or before January 26, 2007. No response has been filed. However, defendant failed to file a certificate of service indicating that the motion and supporting materials were served on the plaintiff. See Fed. R. Civ. P. 5(d).

I will provide defendant with additional time until **June 22, 2007**, in which to bring its motion to dismiss into compliance with the Federal and Local Rules. After that, plaintiff will have until **July 13, 2007**, to file his response to defendant's motion.

Therefore,

IT IS ORDERED that plaintiff has 21 days from the date of this order (until July 5, 2007) within which to serve the remaining defendants and file proof of that service with the clerk of court. Plaintiff is hereby put on notice that if he fails to comply with this order this case will be dismissed as to the State of California and Alameda County California.

IT IS FURTHER ORDERED that defendant Allied Barton shall cure the defects in its motion to dismiss, as described herein, on or before **June 22, 2007**.

IT IS FURTHER ORDERED that plaintiff shall file a response to defendant's motion to dismiss on or before **July 13, 2007**.

Dated at Milwaukee, Wisconsin, this 13 day of June, 2007.

/s _____
LYNN ADELMAN
District Judge